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REMARKS

Claims 13, 29, and 43 have been cancelled. Claims 1, 16, 17, 32, 46, and 47 have been amended. The language added by amendment was previously included in other claims and in the specification; thus, no new search should be required. Claims 1 – 12, 14 – 28, 30 – 42, and 44 – 47 are pending in this Application. Reconsideration and further examination is respectfully requested.

Claim Rejections – 35 USC § 103

I. Claims 1 – 4, 6 – 20, 22 – 35, and 37 – 47 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cole et al. (US 6,348,874), hereinafter Cole, in view of Lehr et al. (US 6,643,566), hereinafter Lehr. This rejection is respectfully traversed.

The Applicant's exemplary claim 1 sets forth:

"A central network device for use in a power integrated local area network, the central network device comprising:

an electrochemical power source in the central networking device; and
a network interface configured to communicate with a plurality of member network devices and to deliver power from energy stored by the electrochemical power source to at least one selected member network device, the selected member network device being capable of accepting power over the power integrated local area network;

wherein the electrochemical power source is configured to provide backup power to the at least one selected member network device in the event of an interruption of delivery of primary power to the central network device."

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The Applicant's invention thus provides a central network device including its own network interface for communicating with other network devices and including its own electrochemical power source for powering the other network devices. The electrochemical power source can provide backup power to a selected member network device in the event of an interruption of primary power to the central network device. Such an arrangement is particularly convenient for providing central backup power to the network devices. No separate external power source, such as a UPS, is required.

In order to establish a *prima facie* case of obviousness, the prior art references when combined must teach or suggest all the claim limitations. Furthermore, there must be some suggestion or motivation to modify a reference or combine reference teachings. The Applicant maintains that neither of these thresholds has been met.

1. *The Combination of References Fails to Teach or Suggest the Applicant's Claimed Invention*

Cole, as the Office Action admits, fails to teach or suggest a central network device including an electrochemical power source. (The Applicant notes that a DC power supply is not necessarily electrochemical. For example, it may be AC rectified.) Furthermore, Cole provides no suggestion that an electrochemical power source should reside in a central network device, nor does Cole suggest that the central network device include an electrochemical power source for use as a backup device.

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Likewise, Lehr also fails to teach or suggest a central network device including an electrochemical power source. Lehr shows, in one embodiment, the use of an external UPS in a conventional manner, as an external general purpose power supply. Lehr teaches that UPS's may be placed in "strategic locations" in the network (Lehr, Col. 9 lines 5 – 22). The Office Action suggests that "it would have been obvious ...to supply the teaching of Lehr especially backup battery power supply or UPS in the system taught by Cole for maintaining a communication network in event of power failure i.e. electric failure". However, the resultant combination still fails to teach or suggest the Applicant's claimed invention. Both Cole and Lehr fail to teach or suggest a central network device including an electrochemical power source. Therefore, there is no way to combine Cole and Lehr that would suddenly suggest this innovative arrangement. The combination of Cole and Lehr therefore fail to teach or suggest the Applicant's claimed central network device including an electrochemical power source wherein the electrochemical power source is configured to provide backup power to the at least one selected member network device in the event of an interruption of delivery of primary power to the central network device.

2. *No Motivation to Combine*

The Applicant asserts that it is unlikely that one skilled in the art would be motivated to combine Cole with Lehr to arrive at the Applicant's claimed invention.

Cole teaches only that a network communication device (12) is coupled to an external power source Vs, which may be an AC or DC supply. Lehr teaches that external power can be

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supplied by a UPS. If one skilled in the art were to apply Lehr to Cole, one would plug the conventional UPS of Lehr into the power port of the communications device of Cole. One would not be motivated by any information provided by either Cole or Lehr to build a communications device including an electrochemical power source and a network interface. Such suggestion can only be provided in hindsight in light of the Applicant's specification, and this is improper.

The combination of Cole and Lehr fail to teach or suggest the Applicant's claimed invention for all the above stated reasons. The Applicant therefore respectfully requests that this rejection be withdrawn. Applicant's independent claims 16, 17, 32, 46, and 47 limitations similar to those of claim 1. The Applicant therefore respectfully asserts that claims 1 - 4, 6 - 20, 22 - 35, and 37 - 47 are in condition for allowance.

II. Claims 5, 21, and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Cole in view of Hutchison et al (US 5,838,989), hereinafter Hutchison. This rejection is respectfully traversed.

Cole fails to teach or suggest the applicant's claimed communications device including an electrochemical power source. Hutchison fails to provide any further suggestion of use of an electrochemical power source by a central network device for delivering backup power to other network devices. Since Cole and Hutchison, taken either alone or in combination, fail to teach or suggest the Applicant's claimed invention, claims 5, 21, and 36 are believed allowable.

The Applicant has made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully

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requested that the Examiner telephone the undersigned, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,



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Date

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